

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RICHARD BATCHELOR,
Plaintiff,

v.

**GUARDIAN INSURANCE AND ANNUITY
COMPANY, INC.,**
Defendant.

Case No. 15-cv-04013-YGR

**ORDER DENYING MOTION TO DISMISS AS
MOOT**

Re: Dkt. No. 12

On October 1, 2015, defendant filed a Motion to Dismiss the Complaint pursuant to Federal Rule of Civil Procedure 12(b)(1). (Dkt. No. 12.)

On October 15, 2015, plaintiff filed an amended complaint pursuant to Federal Rule of Civil Procedure 15(a)(1)(B). (Dkt. No. 14.) In light of the filing of the amended complaint, the Motion to Dismiss is **DENIED** as moot. The hearing set for November 10, 2015 is therefore **VACATED**.

This Order terminates Docket Number 12.

IT IS SO ORDERED.

Dated: October 20, 2015


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE